

REMARKS

In accordance with the foregoing, claim 44 has been amended. Claims 1-47 are pending and under consideration.

REJECTION OF CLAIMS 1-47 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY Ohtomo et al. (USP# 5,991,325)

Claims 1-47 are rejected under 35 U.S.C. §102(b) as being anticipated by Ohtomo et al (5,991,325). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent claim 1 of the Applicant's invention recites "[a]n apparatus for controlling an output of a laser diode in an optical medium apparatus, comprising: a sampling circuit sampling said output of said laser diode at a predetermined frequency and generating a sampled signal; and an arithmetic unit receiving said sampled signal, generating a control power value applied to the laser diode in response to said sampled signal, and modifying said output of said laser diode in response to said control power value."

Thus, Applicant's apparatus receives and samples the power value output from the laser diode and generates a sampled signal in order to control the output of the laser diode. See paragraph 15, page 4 of the present specification.

Ohtomo does not teach or suggest an apparatus that receives or samples the power output from the laser diode in order to control the output of the laser diode. Instead, Ohtomo discloses an apparatus having a laser driving means to control the output of the laser diode based on a signal outputted from a control arithmetic unit, not the power output from the laser diode. In particular, Ohtomo discloses a laser driving means having a clock generator 610, a timing unit 620, a switching unit 640, and a current detecting unit 650, to control the current input to the laser diode. The disclosed laser driving means does not receive or sample the output of the laser diode to generate a sampled signal in order to control the output of the laser diode. See column 4, lines 55-65, and FIG. 2. Therefore, for at least this reason, claim 1 is

distinguishable over the cited prior art.

Claims 2-29 of the Applicant's invention depend from claim 1. Therefore, for at least the reasons that claim 1 is distinguished over the cited prior art, it is respectfully submitted that claims 2-29 also distinguish over the cited prior art.

Independent claim 30 of the Applicant's invention comprises a sampling circuit; therefore it is distinguishable over the cited prior art for at least the same reason that claim 1 is distinguishable over the cited prior art.

Claims 31-34 of the Applicant's invention depend from claim 30. Therefore, for at least the reasons that claim 30 is distinguished over the cited prior art, it is respectfully submitted that claims 31-34 also distinguish over the cited prior art.

Independent claim 35 of the Applicant's invention includes a sampling circuit; therefore it is distinguishable over the cited prior art for at least the same reason that claim 1 is distinguishable over the cited prior art.

Claims 36-38 of the Applicant's invention depend from claim 35. Therefore, for at least the reasons that claim 35 is distinguished over the cited prior art, it is respectfully submitted that claims 36-38 also distinguish over the cited prior art.

Independent claim 39 of the Applicant's invention recites "[a] laser diode controlling apparatus, comprising: a laser diode generating an output; and a controller receiving and controlling said output, said controller and said laser diode being included in one integrated circuit." Ohtomo does not disclose an apparatus having a controller to receive output of the laser diode. Furthermore, Ohtomo does not disclose an apparatus having a controller and a laser diode included on one integrated circuit. See FIG. 2. Therefore, for at least these reasons, claim 39 is distinguishable over the cited prior art.

Independent claim 40 of the Applicant's invention recites a laser diode controlling apparatus comprising: "... a controller and said laser diode being formed in a single body." Ohtomo does not disclose an apparatus having a controller and a laser diode formed in a single body. See FIG. 2. Therefore, for at least this reason, claim 40 is distinguishable over the cited prior art.

Claims 41-44 of the Applicant's invention depend from claim 40. Therefore, for at least the reasons that claim 40 is distinguished over the cited prior art, it is respectfully submitted that claims 41-44 also distinguish over the cited prior art.

Independent claim 45 of the Applicant's invention recites a method of "controlling an

optical output of a laser diode in an optical recording and reproducing apparatus, comprising: generating a power level signal in accordance with said optical output; sampling said power level signal with a sampling frequency to generate a sampled signal; ...” Ohtomo does not disclose a method of sampling the power output from the laser diode. As previously discussed, Ohtomo does not even disclose an apparatus having a sampling circuit to sample the power output from the laser diode. See FIG. 2. Therefore, for at least one of these reasons, claim 41 is distinguishable over the cited prior art.

Claims 46 of the Applicant’s invention depend from claim 45. Therefore, for at least the reasons that claim 45 is distinguished over the cited prior art, it is respectfully submitted that claim 46 also distinguishes over the cited prior art.

Independent claim 47 of the Applicant’s invention recites “[a] method in a laser diode controller, comprising: generating an output from a laser diode; sampling and holding said output of said laser diode at a predetermined position for a period of time ...” Thus, the method includes sampling and holding an output from the power output from the laser diode. As previously discussed, Ohtomo does not disclose a method of sampling the power output from the laser diode. Furthermore, Ohtomo does not disclose a method for holding the power output of the laser diode. . See column 4, lines 49-67, column 5, lines 1-11, and FIG. 2. Therefore, for at least one of these reasons, claim 47 is distinguishable over the cited prior art.

CONCLUSION

In accordance with the foregoing, claim 44 has been amended. Claims 1-47 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

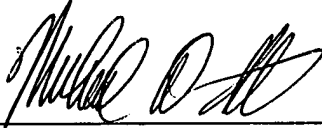
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: January 29, 2004

By: 
Michael D. Stein
Registration No. 37,240

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

RECEIVED
FEB - 4 2004
TECHNOLOGY CENTER 2800